

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Paul Higginbotham,

Complainant,

vs.

Pacific Bell Telephone Company,

Defendant.

Case 01-03-028
(Filed March 7, 2001)

Izu Klepper,

Complainant,

vs.

Pacific Bell Telephone Company,

Defendant.

Case 01-05-059
(Filed May 17, 2001)

Asha Goldberg,

Complainant,

vs.

Pacific Bell Telephone Company,

Defendant.

Case 01-05-068
(Filed May 28, 2001)

Raymond A. Chamberlin,

Complainant,

vs.

Pacific Bell Telephone Company,

Defendant.

Case 01-07-023
(Filed July 16, 2001)

Edward H. Joseph,

Complainant,

vs.

Pacific Bell Telephone Company,

Defendant.

Case 01-11-008
(November 5, 2001)

**ADMINISTRATIVE LAW JUDGE'S RULING
SETTING DATES FOR FILINGS**

On January 28, 2002, Pacific Bell Telephone Company (Pacific Bell) filed the parties' joint status report in these consolidated proceedings. Pacific Bell stated its position that "[t]here is no factual issue that needs resolution." Notwithstanding this assertion, Pacific Bell also contended that "[i]f the complaints are not dismissed, then Pacific believes that a formal hearing is required" and that it would "present evidence from various constituencies in California that support its position in this proceeding."

In the joint status report, the complainants presented factual statements and legal argument and asked the Commission to rule in their favor. The complainants did not seek hearings.

The record thus far in these consolidated proceedings would appear to support Pacific Bell's first contention -- that no material issues of fact remain in dispute. Nevertheless, to afford Pacific Bell an opportunity to demonstrate that additional information is necessary, I will allow Pacific Bell to submit written declarations from its prospective witnesses stating the additional evidence the witness would like to present. In addition to the declarations, Pacific Bell will also submit a Statement of Counsel specifying why the facts alleged in the declarations are material to issues that must be resolved in this proceeding and whether those facts are or are expected to be disputed by complainants. The Statement of Counsel shall also include a rationale for holding hearings. The complainants will then have an opportunity to comment on whether the declarations should be (1) rejected, (2) accepted into the record without cross examination, or (3) accepted into the record after cross examination by the complainants, testimony from the complainants, or both. By subsequent ruling, I will set any further procedural events.

Parties will adhere to the following schedule:

March 1, 2002	Pacific Bell file and serve written declarations with witness qualifications and Statement of Counsel
March 12, 2002	Complainants file and serve any written comments

IT IS SO RULED.

Dated February 15, 2002, at San Francisco, California.

/s/ Maribeth A. Bushey

Maribeth A. Bushey
Administrative Law Judge

CERTIFICATE OF SERVICE

I certify that I have by mail this day served a true copy of the original attached Administrative Law Judge's Ruling Setting Dates for Filing on all parties of record in this proceeding or their attorneys of record.

Dated February 15, 2002, at San Francisco, California.

/s/ Antonina V. Swansen
Antonina V. Swansen

N O T I C E

Parties should notify the Process Office, Public Utilities Commission, 505 Van Ness Avenue, Room 2000, San Francisco, CA 94102, of any change of address to insure that they continue to receive documents. You must indicate the proceeding number on the service list on which your name appears.

The Commission's policy is to schedule hearings (meetings, workshops, etc.) in locations that are accessible to people with disabilities. To verify that a particular location is accessible, call: Calendar Clerk (415) 703-1203.

If specialized accommodations for the disabled are needed, e.g., sign language interpreters, those making the arrangements must call the Public Advisor at (415) 703-2074, TTY 1-866-836-7825 or (415) 703-5282 at least three working days in advance of the event.